IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS JONESBORO DIVISION

TRI STATE ADVANCED SURGERY
CENTER,LLC, GLENN A. CROSBY, II,
MD, FACS, and MICHAEL HOOD, MD,
Plaintiffs

Plaintiffs

V.

Case No. 3:14-CV-00143 JM

HEALTH CHOICE, LLC and CIGNA
HEALTHCARE OF TENNESSEE, INC.,
Defendants

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UNOPPOSED MOTION OF PLAINTIFFS FOR EXTENSION OF TIME TO RESPOND TO COUNTERCLAIM AND MOTION TO DISMISS

Plaintiffs, Glenn A. Crosby, II, MD, FACS and Michael Hood, MD ("Plaintiffs"), and Plaintiffs/Counterclaim Defendants, Tri-State Advanced Surgery Center, LLC and SurgCenter Development, Inc., ("Plaintiffs/Counterclaim Defendants"), for its unopposed Motion for Extension of Time to Respond to Counterclaim and Motions to Dismiss, respectfully state as follows:

- 1. Plaintiffs Response to the Motions to Dismiss is currently due on or before September 12, 2014.
- 2. Counterclaim Defendants' Response to Counterclaim Plaintiff Cigna's Counterclaim is currently due on or before September 23, 2014.
- 3. One of the principal counsel for Plaintiffs/Counterclaim Defendants will be out of the country for approximately three weeks beginning on September 5, 2014.

- 4. In addition, Plaintiffs/Counterclaim Defendants must respond to two separate Motions to Dismiss as well as responding to the counterclaims within the similar time frame. In order to adequately respond to both the Motions to Dismiss, and the Counterclaim, Plaintiffs will have to make at least three and perhaps four separate filings.
- 5. Counsel for the parties have agreed that as a matter of efficiency and to avoid duplication of arguments to the greatest extent possible, all briefing on dispositive motions should occur on the same schedule. Counsel for Defendants have therefore agreed that Plaintiffs should be allowed to file their response to the Motions to Dismiss and Counterclaim Defendants file their responsive pleading(s) on or before October 10, 2014. As part of this agreement, the time for Defendants' to file reply briefs on their Motions to Dismiss, if any, would be extended so that they would due on or before October 30, 2014.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that this Court extent their time to respond to the Motions to Dismiss and Counterclaim through and including October 10, 2014.

Respectfully submitted,

/s/ W. Tucker Brown

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of September, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such tiling to all counsel of record.

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